

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 4 and 5 have been amended. No new matter has been added. Claims 1-19 are pending, of which claims 6-19 are withdrawn from consideration.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Allowable subject matter.

Applicant appreciates the indication that claims 4-5 contain allowable subject matter. Claims 4-5 have been amended to be in independent form, and are thus in *prima facie* condition for allowance.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 2 has been amended to address the issues raised in the Office Action, and applicant requests that the rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,229,656 to Omura ("Omura") in view of U.S. Patent Application Publication No. 2001/0033408 to Shiraishi et al. ("Shiraishi"). Applicant respectfully traverses this rejection for at least the following reasons.

Independent claim 1 recites "an excessive light processing member having a multi-stage taper constitution with a plurality of taper surfaces having different tilt angles for reflecting excessive light emitted from an excessive light emitting surface which is not an

incident surface nor an emitting surface of the optical path synthesizing member.” Omura and Shiraishi fail to suggest at least this feature in the context of the device of claim 1.

As correctly recognized in the Office Action, Omura fails to teach “the excessive light processing member of a multi-stage taper construction.” Omura merely teaches a number of stray light block walls 160, 161, 162 arranged to block stray light. Moreover, Omura does not disclose that the block walls have different tilt angles.

Shiraishi does not cure the deficiencies of Omura, at least because Shiraishi does not suggest that an excessive light processing member having a multi-stage taper constitution with a plurality of taper surfaces having different tilt angles be employed for reflecting stray light such as that in Omura. The mirror 25 of Shiraishi is arranged between the post-deflection optical system 21 and the detector 23 to synthesize beams toward a detector 23 (See paragraph [0075]). Thus, the purpose of the Shiraishi mirror 25 is to synthesize beams to a deflector. Shiraishi says nothing regarding the appropriateness of using its mirror 25 to reflect stray light in a system such as that of Omura. Thus, there is no motivation to modify Omura to replace its block walls with the mirror 25 of Shiraishi.

Moreover, Shiraishi does not disclose or suggest that its mirror would be appropriate for the purpose of reflecting stray light. There is no suggestion from Shiraishi as to where one skilled in the art would arrange its mirror 25 in the Omura system to reflect stray light, nor that its mirror would function properly for such a purpose. For example, there is no suggestion in Shiraishi that its mirror is of the proper construction to be arranged to reflect stray light in the Omura system so that it does not interfere in the subscanning direction. The combination of Shiraishi and Omura by the Patent Office is based on hindsight reconstruction of the presently claimed invention, without regard for proper motivation to combine the two teachings.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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